

JUDGE ALONSO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS **MAGISTRATE JUDGE GILBERT**
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CRISTIAN MALEC and
KINGA POLITANSKA

No.

18CR 809

Violation: Title 18, United States
Code, Section 1344(1)

FILED

NOV 29 2018

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

COUNT ONE

The SPECIAL DECEMBER 2017 GRAND JURY charges:

1. At times material to this indictment:

a. JP Morgan Chase bank ("Chase") was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation. Chase served customers in Park Ridge, Illinois, and elsewhere.

b. Citibank, N.A., bank ("Citibank") was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation. Citibank served customers in Park Ridge, Illinois, and elsewhere.

c. Company A was an Illinois business CRISTIAN MALEC partially owned and operated.

d. Company B was an Illinois business CRISTIAN MALEC owned and operated.

e. Company C was an Illinois business Individual A owned and operated.

f. Company D was an Illinois business KINGA POLITANSKA owned and operated.

g. Chase Account 1 was a Chase business checking account ending in 77911 and held in the name of Company A. CRISTIAN MALEC was an authorized signer on Chase Account 1.

h. Chase Account 2 was a Chase business checking account ending in 07509 and held in the name of Company C. Individual A was an authorized signer on Chase Account 2.

i. Citibank Account 1 was a Citibank business checking account ending in 07439 and held in the name of Company B. CRISTIAN MALEC was an authorized signer on Citibank Account 1.

j. Edgebrook Account 1 was an Edgebrook Bank business checking account ending in 05477 and held in the name of Company D. KINGA POLITANSKA had access to, and control over, Edgebrook Account 1.

k. Polish & Slavic Account 1 was a Polish & Slavic Federal Credit Union business checking account ending in 68331 and held in the name of Company D. KINGA POLITANSKA was an authorized signer on Polish & Slavic Account 1.

2. Beginning no later than in or about October 2014, and continuing until on or about February 23, 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

CRISTIAN MALEC and
KINGA POLITANSKA,

defendants herein, together with Individual A and others known and unknown to the Grand Jury, knowingly executed, and attempted to execute, a scheme to defraud a financial institution, which scheme is further described below.

3. It was part of the scheme that MALEC and POLITANSKA placed the funds of Chase at risk by fraudulently inflating the balances of Chase Account 1 and Chase Account 2, and placed the funds of Citibank at risk by fraudulently inflating the balance of Citibank Account 1. MALEC and POLITANSKA fraudulently inflated the balances of these accounts by depositing into them checks that drew on accounts with insufficient funds, as well as by making check deposits into these accounts with the intent to stop payment on the check before it settled. Additionally, MALEC and POLITANSKA fraudulently obtained funds from Chase by withdrawing and transferring money from Chase Account 1 and Chase Account 2 when the balances of these accounts were fraudulently inflated.

4. It was further part of the scheme that MALEC and POLITANSKA deposited, and caused to be deposited, into Chase Account 1 checks drawn on Edgebrook Account 1, knowing that MALEC and POLITANSKA would stop payment, and cause payment to be stopped, on these deposited checks, thereby

temporarily and fraudulently inflating the amount of funds available to be withdrawn from Chase Account 1.

5. It was further part of the scheme that MALEC and POLITANSKA deposited, and caused to be deposited, into Chase Account 2 checks drawn on Polish & Slavic Account 1, knowing that MALEC and POLITANSKA would stop payment, and cause payment to be stopped, on these deposited checks, thereby temporarily and fraudulently inflating the amount of funds available to be withdrawn from Chase Account 2.

6. It was further part of the scheme that MALEC and POLITANSKA deposited, and caused to be deposited, into Chase Account 2 checks drawn on Polish & Slavic Account 1, knowing that Polish & Slavic Account 1 had insufficient funds to pay those checks, thereby temporarily and fraudulently inflating the amount of funds available to be withdrawn from Chase Account 2.

7. It was further part of the scheme that, before payment on these checks was stopped, and while the balances in Chase Account 1 and Chase Account 2 were fraudulently inflated, MALEC and POLITANSKA withdrew and transferred funds, and caused funds to be withdrawn and transferred, from Chase Account 1 and Chase Account 2 for their own benefit.

8. It was further part of the scheme that, soon after these funds were withdrawn and transferred from Chase Account 1 and Chase Account 2, MALEC and POLITANSKA stopped payment, and caused payment to be stopped, on the

Edgebrook Account 1 and Polish & Slavic Account 1 checks that had been deposited into Chase Account 1 and Chase Account 2.

9. It was further part of the scheme that, between on or about May 10, 2016, and on or about June 8, 2016, MALEC and POLITANSKA withdrew and transferred, and caused to be withdrawn and transferred, approximately \$735,000 in fraudulently obtained funds from Chase Account 2 to Citibank Account 1. In order to persuade Citibank employees that the approximately \$735,000 had cleared Chase Account 2, and to obtain the funds, MALEC, POLITANSKA, and Individual A presented, and caused to be presented, to Citibank employees, an altered bank statement for Chase Account 2, which fraudulently reflected that Chase Account 2 had sufficient funds to cover the withdrawal and transfer of the approximately \$735,000.

10. It was further part of the scheme that, in or about February 2017, after the Federal Bureau of Investigation executed a search warrant at the business office of Company D and the home of Individual A, MALEC instructed Individual A to falsely tell FBI agents that POLITANSKA had loaned money to MALEC and Individual A for them to open a truck repair shop and to buy trucks, knowing that none of the Polish & Slavic Account 1 checks deposited into Chase Account 2 constituted loans.

11. It was further part of the scheme that MALEC, POLITANSKA, Individual A, and others concealed, misrepresented, and hid the existence and purpose of the scheme and the acts done in furtherance of the scheme.

12. On or about May 19, 2016, at Park Ridge, in the Northern District of Illinois, Eastern Division, and elsewhere,

CRISTIAN MALEC and
KINGA POLITANSKA,

defendants herein, knowingly executed, and attempted to execute, the above-described scheme by depositing, and causing to be deposited, into Chase Account 2 a check, numbered 8145, made payable to Company C in the amount of \$183,352.48, drawn on Polish & Slavic Account 1, intending to stop payment, and causing payment to be stopped, on that check, and knowing there were insufficient funds available to cover that check;

In violation of Title 18, United States Code, Section 1344(1).

COUNT TWO

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. Paragraphs 1 through 11 of Count One of this Indictment are incorporated here.

2. On or about May 19, 2016, at Park Ridge, in the Northern District of Illinois, Eastern Division, and elsewhere,

CRISTIAN MALEC and
KINGA POLITANSKA,

defendants herein, knowingly executed, and attempted to execute, the above-described scheme by depositing, and causing to be deposited, into Chase Account 2 a check, numbered 8146, made payable to Company C in the amount of \$185,962.31, drawn on Polish & Slavic Account 1, intending to stop payment, and causing payment to be stopped, on that check, and knowing there were insufficient funds available to cover that check;

In violation of Title 18, United States Code, Section 1344(1).

COUNT THREE

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. Paragraphs 1 through 11 of Count One of this Indictment are incorporated here.

2. On or about May 19, 2016, at Park Ridge, in the Northern District of Illinois, Eastern Division, and elsewhere,

CRISTIAN MALEC and
KINGA POLITANSKA,

defendants herein, knowingly executed, and attempted to execute, the above-described scheme by depositing, and causing to be deposited, into Chase Account 2 a check, numbered 8148, made payable to Company C in the amount of \$190,321.41, drawn on Polish & Slavic Account 1, intending to stop payment, and causing payment to be stopped, on that check, and knowing there were insufficient funds available to cover that check;

In violation of Title 18, United States Code, Section 1344(1).

COUNT FOUR

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. Paragraphs 1 through 11 of Count One of this Indictment are incorporated here.

2. On or about May 20, 2016, at Park Ridge, in the Northern District of Illinois, Eastern Division, and elsewhere,

CRISTIAN MALEC and
KINGA POLITANSKA,

defendants herein, knowingly executed, and attempted to execute, the above-described scheme by depositing, and causing to be deposited, into Chase Account 2 a check, numbered 8147, made payable to Company C in the amount of \$182,728.51, drawn on Polish & Slavic Account 1, intending to stop payment, and causing payment to be stopped, on that check, and knowing there were insufficient funds available to cover that check;

In violation of Title 18, United States Code, Section 1344(1).

COUNT FIVE

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. Paragraphs 1 through 11 of Count One of this Indictment are incorporated here.

2. On or about May 20, 2016, at Park Ridge, in the Northern District of Illinois, Eastern Division, and elsewhere,

CRISTIAN MALEC and
KINGA POLITANSKA,

defendants herein, knowingly executed, and attempted to execute, the above-described scheme by depositing, and causing to be deposited, into Chase Account 2 a check, numbered 8149, made payable to Company C in the amount of \$182,354.21, drawn on Polish & Slavic Account 1, intending to stop payment, and causing payment to be stopped, on that check, and knowing there were insufficient funds available to cover that check;

In violation of Title 18, United States Code, Section 1344(1).

FORFEITURE ALLEGATION

The SPECIAL DECEMBER 2017 GRAND JURY alleges:

1. Upon conviction of an offense in violation of Title 18, United States Code, Section 1344, affecting a financial institution, as set forth in this Indictment, defendants shall forfeit to the United States of America any property which constitutes and is derived from proceeds obtained directly and indirectly as a result of the offense, as provided in Title 18, United States Code, Section 982(a)(2)(A).
2. The property to be forfeited includes, but is not limited to, a personal money judgment in the amount of approximately \$694,000.
3. If any of the property described above, as a result of any act or omission by a defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property, as provided in Title 21, United States Code Section 853(p).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY